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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Todd Heichel, et al.,

10 Plaintiffs,

11 v.

12 Tri City Transport LLC, et al.,

13 Defendants.
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No. CV-22-01513-PHX-SMM

ORDER

15 This matter is before the Court on Plaintiff's Fourth Motion for Extension of Time
16 for Service of Process and for Alternative Service of Individual Defendant Michael
17 Butler. (Doc. 35). The Court has previously granted Plaintiffs' three earlier requests to
18 serve Defendants. (Docs. 23, 26, 29). In that time, Plaintiffs have served Defendants
19 Swwoop LLC and Tri City Transport LLC, both of which have now defaulted in this
20 matter. (Doc. 32). Plaintiffs' current deadline to serve the remaining Defendant, Michael
21 Butler ("Defendant Butler") was September 10, 2023. Plaintiffs filed this Motion for
22 Extension of Time on September 8, 2023.

23 Plaintiffs made 18 unsuccessful attempts to serve Defendant Butler at 11 separate
24 addresses and believe that Defendant Butler is evading service. (Doc. 35-1 at 2).
25 Plaintiffs have exhausted all known possible addresses for Defendant Butler. (Id.)
26 Plaintiffs now seek to serve Defendant Butler via publication, as permitted by Rule
27 4.1(l)(1) of the Arizona Rules of Civil Procedure, which provides that service may be
28 accomplished via publication if "normal methods of service are impracticable." Plaintiffs
have provided an affidavit meeting the requirements of Ariz. R. Civ. P. 4.1(l)(1)(C) by


1 attesting that service on Defendant Butler has been diligently attempted and that the
2 attempts have been unsuccessful. (Doc. 35-1). Because Plaintiffs have acted diligently to
3 serve Defendant Butler and have been unsuccessful, the Court will grant the Motion for
4 Extension and for Alternative Service to permit Defendant Butler to be served by
5 publication.

6 For good cause shown,

7 **IT IS ORDERED granting** Plaintiffs' Motion for Extension of Time and for
8 Alternative Service of Individual Defendant Michael Butler (Doc. 35).

9 **IT IS FURTHER ORDERED allowing** Plaintiffs up to and including November
10 7, 2023 to serve Defendant Michael Butler.

11 Dated this 11th day of September, 2023.

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14 Honorable Stephen M. McNamee
15 Senior United States District Judge
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